<div align="center">**REMARKS**</div>

Claims 1-40 are currently pending in the subject application and are presently under consideration. Claims 1, 14, 15, 24, 29, 37 have been amended as shown on pp. 2-7 of the Reply. Applicants' representative thanks the Examiner for the courtesies extended during the teleconference of August 9, 2007.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-13, 15-28 and 27-40 Under 35 U.S.C. §101

Claims 1-13, 15-28 and 27-40 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. More specifically, the Examiner asserts that the claims do not appear to include interaction with a processor and thus is "software per se." It is respectfully requested that rejection of these claims be withdrawn for at least the following reason.

Independent claims 1 and 17 have been amended herein to clearly illustrate that the respective components recited by each of claims 1 and 17 are associated with a computer. In particular, claim 1 as amended is directed towards a *computer implemented system*, wherein such components perform at least one function (*e.g.,* customization of documents in a client/server environment without invoking the host application. Thus, leading to great performance gain). Accordingly, this claim (and similarly claim 17) includes functional descriptive material within a computer, thereby rendering it structurally and functionally interrelated to the computer and is therefore directed to statutory subject matter. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

II.   Rejection of Claims 14 and 29-36 Under 35 U.S.C. §101

Claims 14 and 29-36 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 14 and 29 have been amended to a *computer readable storage medium* in accordance with the Examiner's suggestion to correct any deficiencies related to the rejection. Claims 28-36 depend from claim 29, respectively, and are believed allowable

at least for the same reasons as their respective base claims. Reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. § 101 is thus respectfully requested.

III.   Rejection of Claims 1-36 Under 35 U.S.C. §102(b)

Claims 1-36 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Caron et al. (US 6449659 B1). Withdrawal of the rejection is requested for at least the following reasons. Caron *et al.* does not disclose, teach, or suggest each and every element of the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. § 102 requires that "*each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.*" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject claims relate to a system that facilitates the creation of a customized document with embedded or linked to code that can be run on the client inside of the host application (*e.g.*, a word processing or spreadsheet application) or run on the server without invoking the host application. In addition, the programming model automatically "scales" to provide more features while running on the client and less features when running on the server. Furthermore, a transparent data island is automatically generated for the customized document that is embedded in the document and can be edited while requiring only a subset of all components of the host application to be running or no components of the host need run on the server at all. To this end, independent claim 1 recites: *a programming component that at least one of embeds code in the document and links code to another document such that <u>the document can be run independently of the host application.</u>*

As described in further detail below, Caron *et al.* fails to teach or suggest at least such claimed aspect of the subject invention. Caron *et al.* relates to a system for instance customization with application independent programming of controls in a multi-program

environment. This is accomplished by producing an interface in an underlying common programming tool that enables a host application program to augment the properties, methods and events provided by the underlying controls by adding "extender" properties, methods and in a consistent manner. However, Caron *et al.* is silent with regards to *a programming component that at least one of embeds code in the document and links code to another document such that <u>the document can be run independently of the host application</u>.*

In clear contrast, Caron *et al.* merely discloses a system where each application program may use the "extender" mechanism to provide its own application program specific controls. More specifically, Caron *et al* notes that "A pointer to the extender entry is returned from the application program to the Visual Basic controls interface as an output parameter to link the standard control in the Visual Basic layer and its customization definition as maintained in the application program. At run time, the system for instance customization with application independent programming of controls operates on *the type definitions of extenders maintained in the application program's standard library to implement the set of customized controls*." (See Specification Col 3, line 64). Thus, as explained in the telephonic interview, Caron *et al.* merely teaches the customization of controls and is silent in regards to which subset of the host application component is required to run. More importantly, Caron *et al.* implies that the document *cannot be run independently* of the host application since the host application must be running in order to provide the "extender" mechanism to instance customize the control. Accordingly, Caron *et al.* cannot be said to teach or suggest that <u>the document can be run independently of the host application</u>, as recited by claims 1 and 15.

In addition, claim 24 (and similarly claims 29 and 37) recites: *a programming component that separates contents of the document into a data model and a view model*. Again, Caron *et al.* is silent with regards to at least such claimed feature. Caron *et al.* merely teaches the customization of controls by linking "extender" mechanism between Visual Basic and the host application program. Caron *et al.* is silent in regards to the separation of *contents of the document into a data model and a view model*. Accordingly, Caron *et al.* cannot be said to teach or suggest *a programming component*

that separates contents of the document into a data model and a view model, as recited by claims 24, 29 and 37.

In view of at least the foregoing, Applicants respectfully submit that Caron *et al.* cannot be said to describe the subject invention as recited in independent claims 1, 15, 24, 29 and 37. Claims 2-14, 16-23, 25-28, 30-36, and 38-40 depend from claims 1, 15, 24, 29 and 37, respectively, and are believed allowable at least for the same reasons as their respective base claims. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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